

## REMARKS

Claims 1-11 are pending in the application. Claims 6-10 are withdrawn. Claims 1-3 and 11 are rejected. Claims 4 and 5 are subject to objection. None of the claims are currently amended. Reconsideration is respectfully requested.

Claims 1-3 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by US 6,215,811 B1 (Yuen). The Examiner cites the abstract and figures 22, 23 of Yuen as describing all of the recited claim elements. Applicant respectfully traverses. As described at columns 18 and 19 under the heading *Handoff System*, and also in the sections cited by the Examiner, Yuen determines whether to initiate handoff based on signal quality. However, Yuen does not consider technology type. This is not surprising because Yuen is described in the context of a cellular phone network, whereas this specification described a WLAN. A given carrier operating a cellular network will presumably utilize only one technology type, whereas various technology types, e.g., IEEE 802.11 modes, can be simultaneously found in a WLAN. The use of technology type in making roaming decision is described in the specification at pp. 50-55. An interesting aspect of technology types is that each has particular strengths and weaknesses. Consequently, a first AP that is received with poorer signal quality than a second AP may actually provide a greater data rate because it utilizes a different technology type. Applying the teaching of Yuen, the wireless device would suffer a lower data rate by taking the decision based on signal quality alone. Claim 1 therefore distinguishes Yuen by reciting "logic for ascertaining, by the wireless device, whether the wireless device should attempt to associate with an alternative access point operating on a second channel, the ascertaining logic utilizing, at least in-part, signal strengths of transmissions from the alternative access point, **and technology type employed by the**

**alternative access point.**” (emphasis added). The dependent claims further define the invention, and are allowable for the same reasons as claim 1.

As pointed out above, applicant has previously made a diligent effort to place the claims in condition for allowance. Should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Applicants' Attorney at the number listed below so that such issues may be resolved as expeditiously as possible.

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Date

Respectfully Submitted,  
/Holmes W. Anderson/  
Holmes W. Anderson, Reg. No. 37,272  
Attorney/Agent for Applicant(s)  
McGuinness & Manaras LLP  
125 Nagog Park  
Acton, MA 01720  
(978) 264-6664

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